

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	No.: 16-cr-10305-NMG
)	
MARTIN GOTTESFELD)	

DEFENDANT’S MOTION FOR BOTH COURT AND ATTORNEY-CONDUCTED
VOIR DIRE OF PROSPECTIVE JURORS

In addition to the regularly-provided questions to prospective jurors, the defendant Martin Gottesfeld (“Mr. Gottesfeld”) moves this Honorable Court to ask the following questions of prospective jurors, and to grant Attorney-Conducted *voir dire* of prospective jurors, as follows:

Court-Conducted *Voir Dire*

1. This is a federal criminal case brought by the United States of America. The federal government consists of many agencies and departments, including the Department of Justice, the United States Attorney’s Office, and the Federal Bureau of Investigation. Have you, a member of your family, or anyone close to you ever worked in the federal government?
2. Have you, a member of your family, or anyone close to you ever had any dealings with the federal government, whether favorable or unfavorable?
3. Have you, a member of your family, or anyone close to you ever been treated as a patient at, or had any dealings with Boston Children’s Hospital, whether favorable or unfavorable?
4. Have you, a member of your family, or anyone close to you ever been treated as a patient at, or had any dealings with Wayside Youth and Family Support Network, whether favorable or unfavorable?
5. Have you, a member of your family, or anyone close to you ever had interactions with either the Massachusetts Department of Children & Families, the Massachusetts juvenile court system, or similar agencies and courts in other states, whether favorable or unfavorable?
6. You will hear evidence in this case related to a child custody dispute involving a teenager named Justina Pelletier, the Department of Children and Families, and Boston Children’s Hospital. Are you familiar with news reporting about the dispute?
7. Have you, a member of your family, or your employer ever been the victim of a cyber attack?

8. During the trial, you will hear evidence about a group that refers to itself as Anonymous and about its alleged role in the offense charged in the indictment. Have you had any interactions, whether favorable or unfavorable, or do you have any opinions, whether favorable or unfavorable, about Anonymous?
9. Have you, a family member, or someone close to you had an experience, favorable or unfavorable, with a law enforcement official or with the criminal justice system?
10. Have you, a member of your family, or someone close to you ever been involved in the criminal justice system, either as a prosecutor, defense attorney, employee of a prosecutor's office or defense attorney, probation officer, court officer or court clerk?
11. Have you, a family member, or someone close to you ever been involved in a criminal case as either a victim, a witness, or a person charged with a crime?
12. Have you, a family member, or someone close to you had an experience, favorable or unfavorable, with a law enforcement official or with the criminal justice system?

Attorney-Conducted Voir Dire

Do you tend to agree or disagree with the following two (2) statements:

1. "A defendant is presumed innocent until proven guilty beyond a reasonable doubt."
2. "Regardless of what the law says, a defendant in a criminal trial should be required to prove his or her innocence."

Lastly:

3. The Court will instruct you that you cannot find the defendant guilty unless the government proves the charge against him beyond a reasonable doubt. If after hearing all the evidence in the case, you have a feeling or suspicion about the defendant's alleged conduct, but you do not believe that the government has proven its accusations beyond a reasonable doubt, will you be able to find the defendant not guilty?

Respectfully submitted,

MARTIN GOTTESFELD

By his attorney:

/s/ David J. Grimaldi

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DATE: July 16, 2018

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants in this matter via ECF this 16th day of July 2018.

/s/ David J. Grimaldi

David J. Grimaldi